

46 Am. Jur. 2d Judges § 145

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Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

5. Prior Participation in, Connection with, or Knowledge of the Case or Parties as Grounds for Disqualification

a. Prior Participation in, Connection with, or Knowledge of the Case or Parties as Grounds for Disqualification, in General

§ 145. Judge's prior knowledge of case or parties as grounds for disqualification, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  [47\(1\)](#), [47\(2\)](#), [48](#)

A.L.R. Library

[Disqualification of Judge for Having Decided Different Case Against Litigant—State Cases](#), 85 A.L.R.5th 547

[Prior Representation or Activity as Prosecuting Attorney as Disqualifying Judge from Sitting or Acting in Criminal Case](#), 85 A.L.R.5th 471

Trial Strategy

[Disqualification of Trial Judge for Cause](#), 50 Am. Jur. Proof of Facts 3d 449

Generally, a judge's personal knowledge of former proceedings in a case before him or her does not disqualify the judge.¹ A judge's prior contacts with an underlying proceeding do not necessitate disqualification,² although a trial judge who is instrumental in the initiation of contempt proceedings against a defendant should recuse him- or herself and turn the contempt

proceedings over to another judge.³ Familiarity with a party and with the party's legal difficulties through prior judicial hearings does not warrant recusal.⁴

Observation:

The fact that a trial judge is aware of an accused's prior convictions does not automatically require that judge's recusal.⁵

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Footnotes

- 1 Adams v. State, 220 Miss. 812, 72 So. 2d 211 (1954); Sawyer v. State, 73 Okla. Crim. 186, 119 P.2d 256 (1941).
As to disqualification for bias or prejudice arising from prior contact with a party, see § 133.
- 2 State v. Reeter, 848 S.W.2d 560 (Mo. Ct. App. W.D. 1993).
- 3 State v. Sawyer, 297 Kan. 902, 305 P.3d 608 (2013); Terry v. State, 718 So. 2d 1097 (Miss. 1998).
The citing judge should recuse himself from conducting the contempt proceedings. Mississippi Com'n on Judicial Performance v. Harris, 131 So. 3d 1137 (Miss. 2013).
- 4 Browner v. District of Columbia, 549 A.2d 1107 (D.C. 1988); State v. Toles, 885 N.W.2d 407 (Iowa 2016).
- 5 State v. Crockett, 801 S.W.2d 712 (Mo. Ct. App. E.D. 1990); Com. v. Hailey, 332 Pa. Super. 167, 480 A.2d 1240 (1984).

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